

NYS Soil & Water Conservation Committee
10B Airline Drive, Albany, NY 12235 – Telephone (518) 457-3738

STATE COMMITTEE MINUTES

June 16, 2009

Farm Credit Office

Federal Drive, Batavia, NY

Present: D. Stein, G. Proios, D. Brass, J. Dickinson, Voting Members; M. Latham, Director; B. Steinmuller, R. Lewis, C. Frasier, G. Albrecht, B. Brower, L. Travis, B. Silvestri, SWCC Staff; D. Pettit, J. Seiler, M. Chavez, NRCS; K. Smith, DOS; M. Brower, P. Giltner, R. Rausch, Ag & Markets; P. Black, SUNYESF; S. Lorraine, President, NYSCDEA; V. Green, USDA-FSA; B. Rogers, C. Colby, NYACD; L. Telega, Cornell; G. Squires, Genesee Co. SWCD; G. Gary, G. Miess, Allegany Co. SWCD; F. Zagorski, NYSDEC; P. Kaczmarczk, NYSDOH

Call to Order:

G. Proios, Chairman, called the meeting to order at 9:30 a.m.

Introductions made.

G. Proios thanked everyone involved in the tour on Monday including Dale Stein, Lee Telega, Deb Grantham, and George Squires. G. Proios suggested videotaping these type tours.

Review and Approval of Minutes

P. Black corrected a topic in the April 2009 Minutes by deleting "Committee" from "Comprehensive State Committee History".

J. Dickinson moved to approve the April minutes with correction; seconded by D. Brass. Motion passed; carried.

Correspondence

Letters & Memos

M. Latham mentioned a letter dated April 27, 2009 from Astor Boozer, State Conservationist for NRCS, regarding funding received for the rehabilitation of dam site #2 on the Choconut Creek Watershed in Broome County. This funding was made available through the Federal stimulus package.

Reports & Newsletters

Public Works magazine for April and May 2009

The Resource – National Association of Conservation Districts – Spring 2009

Tompkins County SWCD newsletter for April 2009

The Lake Reporter – May 2009 issue

Erosion Control – Official Journal of International Erosion Control Association

Maryland Conservation Partnership Press – Spring 2009

Wyoming County SWCD newsletter – Spring 2009

Bay Journal – May 2009

CFA News – newsletter of the Catskill Forest Assoc., Inc. – Spring 2009

The Cultivator – newsletter of the NYS Agricultural Society – Spring 2009

ERS Report Summary – June 2009

Genesee County SWCD newsletter – June 2009

Conferences & Seminars

Partners in Community Forestry National Conference – presented by Arbor Day Foundation – November 9 – 11, 2009 in Portland, Oregon

EPF Delays and Impacts

M. Latham reported on the EPF situation. The Department received EPF funding in the month of May just under 1 million dollars to offset EPF contractual obligations in the Department specific to the State Committee and the Division of Soil & Water agricultural nonpoint source program. We were able to pay nonpoint source vouchers we received up until March 1, 2009. Presently there is a four plus month delay for reimbursement for agricultural nonpoint source grant program vouchers. Other critical EPF elements include State aid package payments. Over the winter, we were able to pay Part B Conservation Project Assistance. Part A, the traditional \$30,000 to Districts and Part C have not yet been paid. Correspondence went out to the Districts from the Commissioner in May 2009 that hopefully we are going to be able to pay this State aid to Districts by June. We have been told there will be an EPF distribution for June and the State aid components are highest priority of the Department and the State Committee. The real estate tax transfer fund which is the primary mechanism for EPF will be transferred in June. The general condition of Districts is stable with some Districts experiencing intermittent emergency operation funds. We are trying to position the vouchers, which affect District operations as priority for payment. Some Districts have indicated they will have cash flow problems by the end of summer. Hopefully after receiving District aid payments this month, most Districts can solve their immediate monetary problems. He stated we need to know as far in advance as possible if a District is in a dire financial situation. NYACD, CDEA and others are reinforcing our issues and are being heard. The most essential thing is communication, and if you are presently eligible and require a no-cost time extension, you should seek one before November 30th. G. Proios asked what coverage an executed contract gives you as far as liabilities the District incurs. M. Latham stated we would check into the liability issue. The Department of Agriculture and Markets has chosen not to cancel any contracts regardless of status. Message to Districts is the communication on status of projects is very important. J. Dickinson asked if a letter from the NYS Soil and Water Committee could be sent to the farmers. M. Latham stated there is no official position to pass on, other than there is a cash flow issue. D. Stein suggested the Conservation District Employee Association get in touch with Bill McGee. B. Rogers stated the importance of continuing partnerships and working together and providing all information to all local and State legislators. G. Proios suggested the CDEA contact Bob Sweeney, Chairman of the Environmental Conservation Committee, or his Chief of Staff, Steve Lis explaining the ramifications to the environment. M. Latham stated Round 15 is waiting to be awarded, as well as AEM Base Year 5. He will keep everyone posted on the progress of the paperwork and certifications approvals for these two programs.

SWCC Strategy Review and Approval

R. Lewis distributed the final draft of the SWCC Strategy for review and comments. He indicated he received comments from two Advisory Members, P. Black and K. Smith. P. Black's comments and suggestions were clarifications rather than changes to what was in the proposed final draft.

P. Black recommended to update the Mission Statement to include the word, "all" in the final line between, "and" and "related".

NYSSWCC Values and Visions – under Core Value Statements, fifth statement down, Peter suggested in discussion of the trust level, we add the word "personnel" following soil and water conservation district.

Under the Comprehensive Natural Resources Management Goal, under the second Desired Results: "*Districts have a key role in watershed assessment and planning.*" The third strategy, "Encourage and support the formation of watershed based coalitions." P. Black suggested you may want to clarify who might be members of the coalition. He had a list of potential membership. R. Lewis recommended, adding "key stakeholders" as in government agencies, local officials, and major landowner groups.

Under the Agricultural Conservation Goal, under the first Desired Result: "*State Committee and District technical capacity and expertise are increased.*" The third strategy, "Provide Districts with the tools to track, report and evaluate program accomplishments by watershed." P. Black commented on what about when you cross county lines, R. Lewis added, "and encourage Districts with overlapping watersheds to partner efforts."

Under the Comprehensive Natural Resources Management Goal, under the second Desired Results: "*Districts have a key role in watershed assessment and planning.*" K. Smith had recommended two additional strategies, "Encourage the SWCDs to partner with other agencies to develop comprehensive watershed management plans." And the second strategy, "Encourage WQCC and SWCD to assist in the establishment of intermunicipal organizations." M. Latham suggested, "partnerships" rather than "organizations".

R. Lewis asked the Committee to adopt the official Strategy of the New York State Soil and Water Conservation Committee for the next five years.

D. Stein moved to approve the new NYSSWCC Strategy for the next five years; seconded by J. Dickinson. Motion passed and carried.

District Marketing

B. Silvestri talked about the development of a marketing strategy template for Districts which can be customized to each District's individual needs. The strategy can be developed by customizing some materials that are already available. She mentioned a useful tool in developing the marketing strategy as it applies to Districts will be NYACD Marketing for Conservation Success Workbook. Working with the Media formula used for AEM over the years will also be another useful tool in developing a marketing strategy. Effective presentation training can also be part of this plan. B. Silvestri explained the tool kit would involve three parts. The first part, is evaluating the District's effectiveness. Secondly, the long range planning including strategy development. While each District may have their work plan, this would be more like a business plan. The third piece would be the marketing and public relations part, developing strong alliances with partnerships and fostering government relations at the County and State levels. She distributed a leveraging worksheet used in Indiana to gain funding support from their county legislature, which indicates the cost benefit ratio of the money the District brings into the County. Through training and setting up a marketing plan, Districts and their Directors can build the skill set necessary to be more effective in requesting funding. G. Proios stated it was a complex issue and the need to get county executives out in the field to see benefits the Districts provide is another key issue.

Climate Change Presentation

B. Steimmuller again thanked everyone responsible for the tour on Monday. He stated climate change impacts broaden the scope of the natural resources we are missioned to protect. Greenhouse gas emission reduction benefits can be gathered from common practices that farmers have been implementing for many years, practices that Districts have been helping farmers implement for many years. He stated, as was learned in the farm tour on Monday, it is not the carbon credits that are going to influence the decision for farmers to implement a

certain practice or in a certain way, but the multiple benefits to the farm and the economic bottom line to the farm. B. Steinmuller hoped the Committee would recommend we explore these issues and develop some tools and education to Districts and farmers and develop program and policy recommendations at a subcommittee and staff level. L. Telega stated county Cooperative Extension offices are helping to provide information to farmers on carbon sequestration and bio fuels. L. Telega stated perhaps the Committee should contact congressional leaders for support with these issues. He stated maybe we should contact other states to see what type training and education programs they may have regarding climate change issues. He suggested an intensified training program for Soil & Water District employees maybe to be held at the Water Quality Symposium. M. Latham stated we shouldn't lose sight that our job is to deliver conservation regardless of what the markets do. D. Stein stated if the legislation does come forth, educational tool for farmers to bring them up to speed as to what it is and if they are interested and how they would implement into conservation practices they are already doing. M. Latham stated do we focus on the resource concerns, or the markets, or somewhere in the middle. B. Steinmuller distributed some fact sheets on climate change and greenhouse gases. Additional information may be obtained by contacting www.climateandfarming.org. He also distributed the Climate Change Impacts/Greenhouse Gas Reduction DRAFT AEM reference sheets for review and comment. B. Steinmuller thanked Ron Rausch for his work on broadening AEM legislation to incorporate and address these climate change issues. M. Latham stated the context on additional air quality, greenhouse gases, global warming are in context to the farm plan. The law change or definition adjustment which modifies what can be in the AEM farm plan is where we are drawing license to develop these new tools for this resource concern. G. Proios stated work should continue on the development of new AEM tools to address this resource concern. Much discussion ensued.

J. Dickinson moved to send a letter to sponsors of the Bill with copies to the congressional delegation and Senate and House Agriculture Chairs that agriculture be included in the Bill as one of the solutions in the Cap & Trade Program; seconded by D. Brass. Motion passed and carried.

Agricultural NPS Abatement & Control Grant Program June 16, 2009 State Committee Meeting

STATUS OF ROUNDS 1-14

Of 515 contracts, 171 are active, 4 are pending and 325 are complete. 15 contracts have been cancelled during the life of the program.

Staff Approved Amendments

1. Onondaga SWCD – Onondaga Lake WS AEM Implementation Project– Round 11 – C700788

Request: change of landowner, BMPs

Reason: new landowner identified as a priority through AEM

Approved by L. Travis 5/5/09

2. Ontario SWCD – Northern Watersheds Ag Program IIIA – Round 11 – C700789

Request: change of landowners, BMPs

Reason: changes will address more animal units and impact more cropland resulting in a greater positive impact on water quality

Approved by J. TenEyck 5/11/09

3. Steuben SWCD – Chemung River Basin Prescribed Grazing – Phase 4 – Round 11 – C700797

Request: change of landowners
Reason: new landowner will exclude livestock from the stream
Approved by J. TenEyck 4/22/09

4. Wyoming SWCD – Letchworth Park Water Supply Protection – Round 11 – C700802
Request: change of BMPs
Reason: change in BMP should result in additional water quality improvement over the original BMP
Approved by J. TenEyck 4/30/09

5. Erie SWCD – Cattaraugus Creek WS Ag Implementation Project – Round 12 – C700811
Request: change of landowners
Reason: same BMPs will be implemented, but on two new farms resulting in greater water quality benefit
Approved by J. TenEyck 5/18/09

6. Madison SWCD – Oneida Lake WS AEM Implementation Project – Round 12 – C700815
Requests: change of landowners, BMPs and time extension from 2/28/09 to 2/28/11
Reason: delays due to landowners withdrawing; projects have been designed and are ready for construction
Approved by L. Travis 4/23/09

7. Erie SWCD – Eighteenmile Creek Ag Implementation Project – Round 11– C700778
Request: change of landowners
Reason: two farms are withdrawing, new landowner identified as a priority through AEM
Approved by J. TenEyck 5/18/09

8. Madison SWCD – Upper Tioughnioga River Nonpoint Source – Round 13 – C700847
Request: change of landowners, BMPs
Reason: one landowner withdrawing; original objectives of project are being met
Approved by L. Travis 5/6/09

9. Niagara SWCD – Johnson Creek BMP Implementation Project – Round 13 – C700852
Request: change of landowners
Reason: previous landowner rented farm; new landowner is new owner of farm, same BMP, cost and benefits
Approved by J. TenEyck 5/1/09

10. Niagara SWCD – Twelve Mile Creek BMP Implementation Project – Round 13 – C700853
Request: change of landowners, BMPs
Reason: Farm withdrawing sold their herd and is dropping silage leachate project. Three barnyard runoff projects will deliver at least equal water quality benefit
Approved by J. TenEyck 5/18/09

11. Onondaga SWCD – Seneca River WS AEM Implementation Project – Round 13 – C700855
Requests: change of landowners, BMPs and time extension from 12/31/09 to 12/31/10
Reason: one new landowner installing barnyard runoff system partially funded by EQIP
Approved by L. Travis 5/5/09

12. Onondaga SWCD – Otisco Lake WS AEM Implementation Project – Round 13 – C700856
Requests: change of landowners, BMPs and time extension from 12/31/09 to 12/31/10

Reasons: Two landowners withdrew replaced by three. The new participants will be implementing BMPs different from the original proposal. However, they are of an equal or higher priority concern as they address animals within close distances to stream channels.
Approved by L. Travis 5/5/09

13. Ulster SWCD – Esopus Creek Implementation Project – Round 13 – C700872

Requests: change of landowners, BMPs and budget

Reasons: BMPs are similar to BMPs proposed for original farms. The primary difference is the need for more fencing and alternative livestock water supplies. Actual costs for implementation on one project were much lower than originally projected.

Approved by R. Lewis 5/15/09

14. Monroe SWCD – Lake Ontario Basin BMP Implementation Project – Round 13 – C700877

Request: time extension from 12/31/09 to 12/31/11

Reason: Three projects on one farm are proceeding slowly. It is highly unlikely these BMPs can be fully implemented and closed by current contract end date.

Approved by L. Travis 5/28/09

15. Madison SWCD – Upper Susquehanna CNMP Project – Round 14 – C700908

Request: change of landowners

Reason: Landowner withdrawing completed CNMP with federal funding. Changing landowner increases the number of farms that have a CNMP and ability to implement BMPs.

Approved by L. Travis 5/6/09

16. Jefferson SWCD – Central Jefferson County Barnyard Mgt Project – Round 14 – C700928

Request: change of landowners

Reason: same farm with a new landowner to address original issue

Approved by L. Travis 2/18/09

Farm Bill

D. Pettit reported on the Farm Bill. Economic Recovery Act Funds have been received for Dam Rehabilitation Projects. There are three sites in New York receiving these funds. Sign up, review and ranking for the Floodplain Easement Program is taking place. NRCS is currently ranking applications and funds have not been obligated yet. They are well funded with cost share dollars. The Chesapeake Bay Initiative is a new program operated under EQIP rules. There are 23 counties eligible for EQIP. There is a new Organic Initiative Program under EQIP. Another component of the Farm Bill allows NRCS to offer payments to producers to develop Conservation Activity Plans. Organic and forestry plans will probably roll out in 2010. Currently only CNMP plans developed by a Technical Services Provider will be paid this year. The Law requires these plans be developed by private sector individuals who are certified on the NRCS Technical Services Providers list. NRCS has received over 6,000 acres of application under WRP. FRPP sign up is at 12-15 applications. The Conservation Stewardship Program rules have been published. Training for this program is scheduled for July. CRP is back, applications are being accepted for this program in coordination with FSA. NRCS is currently filling positions which have been vacant for some time. NRCS is undergoing their 3rd quarter obligation review. This is a quarterly review prompted as a result of their audit program. Discussion on co-location of Conservation Districts and NRCS offices took place. D. Pettit stated he and Astor Boozer are re-evaluating this situation.

Genesee County SWCD Presentation

G. Squires welcomed everyone to Genesee County and provided information and a Power Point

presentation. He gave some history on Genesee County SWCD. He stated Genesee County has a number of dairy farms with 30 CAFO farms. Genesee County grows a wide variety of crops with two processing plants for vegetables located in the county. The first organic poultry farm, agricultural park, education center and museum are in development stages. G. Squires discussed programs in which the District is involved. Genesee County works closely with neighboring Districts and County agencies. Genesee County is very active in their GIS use among the county agencies. He spoke of District employees and their years of service and dedication. Genesee County is located 40 miles from Buffalo and 40 miles from Rochester. Currently, there are approximately 60,000 county residents in Genesee County. There is good business growth in the county.

CAFO Update

G. Albrecht and B. Brower distributed the final CAFO permit and Fact Sheet. F. Zagorski stated the CAFO permit becomes effective July 1, 2009. Clean Water Act SPDES permit for CAFOs has been in existence since 1999. M. Latham expressed thanks to DEC for allowing meaningful, technical discussion on elements of this permit. He stated the partnership to help develop the permit and share open dialogue about our concerns was much appreciated. G. Albrecht reviewed permit coverage and changes as they affect medium and large CAFOs. Copies of the ECL General Permit and applicable forms are available at www.dec.ny.gov/permits/6285.html. Discussion ensued on who would be responsible for enforcement discretion; regional offices or the Albany DEC. F. Zagorski stated approximately 60 Notice of Violations had been issued to large CAFOs. These were sent from the central office in Albany.

Other Reports

M. Latham announced with sadness that former Committee Chairman, Dennis Hill's wife, Barb, had passed away this morning.

D. Stein thanked everyone for making the trip and participating in the tour.

G. Green announced FSA does not have a State Director yet. She stated the Biomass Crop Assistance Program is being rolled out. FSA will match dollar for dollar up to \$45 a ton (dry matter price).

K. Smith stated the EBM Oceans & Great Lakes Ecosystem Council Report went to the Governor's office in April. They have not received any feedback yet. He relayed that Greg Capobianco is pleased with the relationship with the Department of Agriculture and Markets and the Conservation Districts. He stated the Sandy Creek demonstration project went well. There is 08-09 funding for EBM of 4.5 million dollars and 09-10 funding of 6 million dollars. K. Smith stated none is available right now.

P. Black announced he has a large collection of articles on climate change research and materials he is going to provide to Brian Steinmuller. If anyone else is interested in obtaining these materials, you can email Peter at peblack@esf.edu.

M. Brower spoke about construction restoration projects the Ag Protection & Development Division are working on relating to wind energy, gas pipelines and gas wells. The wind energy projects have been put on hold due to lack of funding. The Millennium Gas Pipeline project ran into black dirt in Orange County and roads sunk. They are working on restoring roads for landowners. He stated they were receiving complaints on gas well restoration. G. Proios recommended a fact sheet the Districts could use and share with landowners. L. Telega stated the Water Institute of Technology at Cornell along with cooperative extension already have fact

sheets available regarding Marcellus shale.

R. Rausch stated funding opportunities are available through the Rural Energy for America Program. This funding opportunity closes July 31.

Meeting adjourned at 3:00 p.m.

Next Meeting – Tuesday, August 11, 2009, Albany, New York

This web cast may be viewed in its entirety at <http://www.webcasting.com/soil-water/06.16.2009soil.html> .